

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LUIS NIEVES,	)	
	)	Civil Action No. 18 – 1402
Plaintiff,	)	
	)	District Judge David S. Cercone
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
MARK CAPOZZA and KAZI MOOK	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

This case is before the Court on a Report and Recommendation (“R&R”) that was filed by Magistrate Judge Lenihan on September 24, 2019, and which recommends that this case be dismissed with prejudice for Plaintiff’s failure to prosecute. ECF No. 6. This recommendation is based on Plaintiff’s failure to pay the required initial partial filing fee or otherwise show cause why this case should not be dismissed for his failure to do so. *See* ECF Nos. 3, 5. Plaintiff was served with the R&R and informed that the deadline to file objections was October 11, 2019. As of today, however, Plaintiff has neither paid the initial partial filing fee or filed objections to the R&R. Therefore, after careful *de novo* review of the record and consideration of the R&R, the following order is now entered.

**AND NOW**, this 21st day of October, 2019;

**IT IS HEREBY ORDERED** that the R&R is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that this case is dismissed with prejudice for Plaintiff’s failure to prosecute.

**AND IT IS FURTHER ORDERED** that the Clerk of Court mark this case closed.

By the Court:

s/ David S. Cercone  
David S. Cercone  
United States District Judge

Cc: Luis Nieves  
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